

PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. 12-0013

WHEREAS, Acquisition of lands draining into reservoirs operated by the San Francisco Public Utilities Commission (SFPUC) will protect source water quality, native species and their habitat, under the principle of source protection followed for many decades in the planning and operation of the SFPUC water system; and

WHEREAS, The SFPUC wishes to enter into a Purchase and Sale Agreement ("Purchase Agreement") for certain real estate in Alameda County; comprised of 259.32 acres of agricultural land known as APN 096-0420-001-02 (the "Property") from Michelle Olds, formerly known as Michelle Irwin Nielsen, also known as Michelle I. Olds for preservation of the property to protect water quality in the Alameda Watershed for the sum of \$1,300,000, a copy of which Purchase Agreement is attached to this resolution; and

WHEREAS, Funds for this agreement will be available from the Watershed and Environmental Improvement Program (WEIP) Project No. CUW39401; and

WHEREAS, The Property was appraised by a City-hired Independent Appraiser on April 6, 2011 and approved for use by the Department of Real Estate on April 18, 2011; and

WHEREAS, The Planning Department in a letter dated January 3, 2012, found that the acquisition of the Property pursuant to the Purchase Agreement is consistent with the City's General Plan and with the Eight Priority Policies of City Planning Code Section 101.1, which letter is on file with the Clerk of the Commission and is incorporated herein by this reference; and

WHEREAS, The Planning Commission certified the Alameda Watershed Management Plan Final Environmental Impact Report (FEIR) on August 3, 2000 (Motion No. 15931), and this Commission adopted findings pursuant to the California Environmental Quality Act (CEQA) and adopted the Mitigation and Monitoring Reporting Program (MMRP) on September 26, 2000 (Resolution No. 00-0229); now, therefore, be it

RESOLVED, The Commission finds that the acquisition of the Property will further the primary goal of the Watershed Plan to protect and enhance drinking water quality, and thus is consistent with the Alameda Watershed Management Plan (Watershed Plan), and that, since the FEIR was certified there have been no substantial changes in the Watershed Plan, and no substantial changes in circumstances relating to the Plan that would require major revisions to the FEIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the FEIR; and, be it

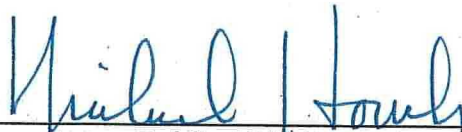
FURTHER RESOLVED, That this Commission hereby authorizes the General Manager of the SFPUC and/or the San Francisco Director of Property to execute and enter into the Purchase Agreement, and to take such other actions necessary to accommodate the direct purchase of the Property; and, be it

FURTHER RESOLVED, That this Commission hereby authorizes and directs the General Manager of the SFPUC and the Director of Property to execute said Purchase Agreement, and upon closing, authorizes and directs the Director of Property to execute the Certificate of Acceptance for the deed to the Property, and to execute any other documents or

agreements reasonably necessary to consummate the transaction contemplated under the Purchase Agreement, in the form approved by the General Manager or Director of Property, in consultation with the City Attorney; and, be it

FURTHER RESOLVED, That this Commission hereby authorizes the General Manager of the San Francisco Public Utilities Commission and the Director of Property to enter into any amendments or modifications to the Purchase Agreement, including without limitation, the exhibits, that the General Manager determines, in consultation with the City Attorney: are in the best interest of the City; do not materially increase the obligations or liabilities of the City; are necessary or advisable to effectuate the purposes and intent of the purchase contract or this resolution; and are in compliance with all applicable laws, including the City Charter.

I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of _____ *January 24, 2012*

A handwritten signature in blue ink, appearing to read "Michael J. Lowry", is written over a horizontal line.

Secretary, Public Utilities Commission